# Guns CP

### 1NC CP

#### **Counterplan text: Public colleges and universities in the United States ought not restrict any constitutionally protected speech except for symbolic speech protections for carrying guns.**

#### KGC n.d.

About Us “Gun Lobby Threatens Safety of America’s Colleges and Universities” by The Campaign to Keep Guns Off Campus <http://keepgunsoffcampus.org/about/> DD

“**America’s colleges** and universities **are under attack from the gun lobby.** Following mass shootings at Virginia Tech in 2007 (32 students and faculty killed and 15 wounded) and Northern Illinois University in 2008 (5 students killed and 16 wounded), the gun lobby is pushing legislation that would prohibit colleges and universities from adopting policies that regulate firearms on campus. **The gun lobby’s** proposed **legislation [to] would** preempt an academic institution’s current policies restricting firearms on campus and **allow students to possess** and carry concealed **handguns – in classrooms**, at sporting events, and other school activities – and to keep guns in their dormitory rooms. The gun lobby’s legislation would not stop college shootings: allowing guns on campus could, in fact, make mass shootings even worse. See list of states where legislation has been introduced, defeated or signed into law in our STATE LEGISLATION section. For the last seven years, The Campaign to Keep Guns Off Campus **[we]** has **urge**d **colleges** and universities **across the country to band together to oppose the gun lobby’s** agenda to push guns into college campuses **by signing** onto **a resolution that opposes legislation that would mandate** that colleges and universities allow students to carry concealed **handguns on campus.** The list of colleges and universities signing **the resolution will be provided to lawmakers in states** where legislation is pending as a way of **showing** the educational community’s **opposition to such legislation.** As of December 14, 2015 the American Association of State Colleges and Universities (AASCU), over 420 individual colleges and universities in 42 states and an additional 48 college presidents have signed the resolution. Click here to view list. We regret the loss of life in any school shooting. Together we can work to make our campuses safer, and protect students, faculty, staff and the community.”

#### It's mutually exclusive

Blanchfield ’14

Blanchfield, Patrick [Freelance Writer; PhD in Comparative Literature, Emory University]. “What do Guns Say?” The New York Times. 04 May 2014. <https://opinionator.blogs.nytimes.com/2014/05/04/what-do-guns-say/>.

According to open carry advocates, their presence in public space represents more than just an expression of their Second Amendment rights, it’s a statement, an “educational,” communicative act — in short, an exercise of their First Amendment freedom of speech. (See this, from the group Ohio Carry, and this Michigan lawsuit.) This claim bears serious consideration. The First Amendment has historically been much harder to limit than the Second, and so extending the freedom of speech to the open display of weapons raises several urgent questions about how we understand the relationship between expressing ideas and making threats, between what furthers dialogue and what ends it. But are guns speech? Is carrying a weapon as an act of public protest constitutionally protected under the First Amendment? And if so, what do guns say? The courts have traditionally recognized “symbolic speech” — actions that convey a clear message — as deserving of First Amendment protection (by, for example, protecting the right of students in Des Moines to wear armbands protesting the Vietnam War). As “the expression of an idea through an activity,” symbolic speech depends heavily on the context within which it occurs. Unlike pure speech, symbolic speech is more susceptible to limitation, as articulated by the Warren court’s 1968 ruling in United States v. O’Brien. The outcome of that case, [established] the O’Brien test [which], establishes a four-pronged series of qualifications for determining when symbolic speech can be limited: (1) Any limitation must be within the state’s constitutional powers; (2) the limitation must be driven by a compelling governmental interest; (3) that countervailing interest must be unrelated to the content of the speech, touching solely on the “non-communicative aspect” of the act in question; and (4) any limitation must be narrowly tailored and prohibit no more speech than absolutely necessary. In practical terms, this litmus test suggests that you can carry a gun as symbolic speech, particularly in the context of a pro-Second Amendment demonstration. The state’s clear interest in maintaining public order can be narrowly satisfied

### Agonism

#### The presence of handguns on colleges undermines agonistic discourse. They incite aggression and exclude students from engaging in dialogue out of fear.

PHW 14

Public Health Watch Keeping an Eye on the Public Impact of Modern Politics “Point Blank: Guns Don’t Belong On College Campuses – Here’s Why” March 2014

“In order **to foster a healthy learning environment at** America’s **colleges and universities, it is critical** that students and faculty **feel safe** on campus. If concealed carry were allowed on America’s campuses, there is no doubt that many **students** would **feel uncomfortable about not knowing whether [others]** their professors and/or fellow students were **carry**ing **handguns**. There is even a name for the negative is effects of increasing the number of guns in public places: **the “weapons effect.”** The weapons effect is a phenomenon described and evidenced for in the scientific field of social psychology. Originally described by Leonard Berkowitz and Anthony LePage in 1967, the weapons effect **refers to the** mere presence of a weapon or a picture of a **weapon[s]** **leading to** more **aggressive** **behavior** in humans. In other words, **knowing** that **people around you are carrying guns makes you** more **likely to act aggressively and impulsively**. Describing his findings, Dr. Berkowitz stated, “Guns not only permit violence, they can stimulate it as well. The finger pulls the trigger, but the trigger may also be pulling the finger.” Since the first study by Drs. Berkowitz and LePage, other researchers have validated the findings by replicating the original experiment — and **in a review of 56** published **studies** on the weapons effect, **researchers confirmed** that the mere sight of **weapons increases aggression in both angry and non angry individuals. Students and teachers must** be able to **express themselves freely** in classroom environments, **where discussions** frequently **touch on controversial topics that arouse passion**. The **introduction of handguns on** our **campuses would inhibit** this **dialogue by creating fear of possible retaliation.** Whether it’s a classroom debate, a student-teacher conversation about a grade, or an informal interaction in a dormitory; **the presence of hidden handguns would restrain** the **open exchange of ideas that is so critical to the college experience.**”

#### That negates- aggression destroys the ability for agents to freely engage in agonistic discourse.

Kinsella 96

Stephan Kinsella, “Protecting Foreign Investment Under International Law: Legal Aspects of Political Risk” January 27, 1996.

“**If** participants in **argu[er]s** mentation **necessarily accept particular** truths, including **norms**, **in order to engage in argument**ation, they could never challenge these norms **in an argument without thereby engaging in a performative contradiction. This would establish[ing] these norms as literally incontestable truths. Hoppe establishes self-ownership by pointing out that argumentation, as a form of action, implies the use of the scarce resources of one's body. One must have control over, or own, this scarce resource in order to engage in meaningful discourse. This is because argumentation is a conflict-free way of** interacting, **by its very nature**, since it is **as attempt to find** what **the truth** **is,** to establish truth, to persuade or be persuaded by the force of words alone. **If one is [being] threatened into accepting the** statements or truth-**claims of another, this does not** tend to **get at the truth**, which is undeniably a goal of argumentation or discourse. **Thus, anyone engaging in argumentation implicitly presupposes the** right of **self-ownership of other[s] participants** in the argument, for **otherwise the other would not be able to** consider freely and **accept or reject the proposed argument.** Only **as long as there is** at least an implicit **recognition of each individual's property right in his or her own body can true argumentation take place.** When this right is not recognized, the activity is no longer argumentation, but threat**, mere naked aggression, or plain physical fighting. Thus, anyone who denies that rights exist contradicts him[them]self since, by his** very **engaging in** the co- operative and  **conflict-free** activity of **argu[ing]**mentation**, he** necessarily **recognizes the right of [their]** his **listener to be free to** listen, think, and **decide.** That is, any participant in **discourse presupposes** the non-aggression axiom, the libertarian view that **one may not initiate force against others.**”

### Race

#### Gun violence is deadly and racialized

Peniel ’15 (Joseph Peniel, Reporter for Newsweek, “Guns Have Been the Most Dramatic Weapon Used Against African-Americans, but Not the Most Effective,” Newsweek, 6/23, [http://www.newsweek.com/guns-have-been-most-dramatic-weapon-used-against-african- americans-not-most-346101](http://www.newsweek.com/guns-have-been-most-dramatic-weapon-used-against-african-%20americans-not-most-346101))

African-American veterans returned from World War I with a renewed militancy that helped ignite a New Negro Movement that promoted black political self-determination. New Negroes flocked to Marcus Garvey’s Universal Negro Improvement Association, creating businesses, publishing newspapers and preaching a gospel of racial unity whose cultural arm would flower in the Harlem Renaissance. But whites’ anti-black violence, often backed by guns, was never far away. Racial segregation in public accommodations and the disenfranchisement of black voters was backed by both public policy and popular consensus. Just as guns, many of them—including those wielded by black soldiers—helped to end slavery and win the Civil War, it would take thousands of guns—this time wielded by white supremacists—to enable white Southerners to win the peace. The modern civil rights era unfolded against this backdrop, where whites used guns and threats of violent reprisals to ensure a brutally unjust racial order. The movement’s nonviolent face, personified by Dr. Martin Luther King Jr.’s dream of a “beloved community,” hid a long history of armed self-determination within the black community. Malcolm X’s scathing broadsides against white violence included open advocacy for armed self-defense so that blacks could achieve liberation “by any means necessary,” as he often said in speeches during the early 1960s. While most African-Americans avoided taking up arms, some did, including Robert F. Williams, a North Carolina NAACP activist and author of Negroes With Guns (1962); the Deacons for Defense and Justice; and the Black Panthers. Both Williams and the Deacons offered armed protection against racist terror for nonviolent civil rights activists in the South. Members of the Student Non-Violent Coordinating Committee (or SNCC, pronounced “snick) encountered an older generation of Southern blacks who never left their rural homes without carrying a pistol or shotgun for protection. The Black Panthers for a time went further, shifting from a self-defensive posture into an open advocacy of “revolutionary violence” before being pummeled into submission by the FBI and local authorities through state-sanctioned violence. Yet the symbolism of black men and women confronting police brutality and racial violence armed with guns and law books resonates today. Post-civil-rights America has seen an explosion of guns and gun violence that has disproportionately hurt the African-American community. The flood of guns in racially segregated and impoverished black neighborhoods has produced catastrophic trauma in inner cities. Black homicide rates dwarf their white counterparts, with most victims killed by African-Americans, the pro-gun control Violence Policy Center reports. Yet too often the easy access to guns, coupled with the racial segregation, high unemployment, failing schools and mass incarceration that leads to such carnage, is ignored by politicians in favor of a facile condemnation of “black-on-black crime” (in contrast to white-on-white crime, which is rarely spoken of) and the decline of the black family. The black community’s relationship with guns remains fraught and ambivalent, with one-third of African-Americans owning guns, compared with just over half of whites. Blacks favor stricter gun control laws, perhaps due to a deeper understanding that “stand your ground” laws have, as in the George Zimmerman case, made it more likely for white-on-black homicides to be considered justified. The brutal deaths in Charleston are part of long history of American violence against black communities. Guns have been the most dramatic weapon used against blacks but perhaps not the most effective. The deeper violence has been in the generational neglect, demonization and stigma that American society has attached to blackness nationally. One hundred and fifty years after Juneteenth delivered the good news of freedom to blacks on the outskirts of Texas, too many African-Americans reside in another country: a world marked by poverty, racial segregation, poor schools and easy access to guns. The racial impact of America’s gun culture affects the black community on multiple levels, often unforgivingly. State-sanctioned violence, as practiced by law enforcement, targets blacks with a vengeance for crimes both real and imagined, as we have witnessed in meticulous detail since Ferguson. Armed vigilantes have also played a role, from the racial terror of the Klan to the shooting in Charleston. Perhaps most depressing is the black gun violence by young people who have been abandoned by mainstream society to join gangs, engage in turf wars and debase themselves through acts of killing that further dehumanize their very existence. The hard truth about race, gun violence and divisions in America is that the very acts of racial violence being decried in Charleston are connected to a long and continuous history of racial and economic oppression. It’s one rooted in an intimate relationship—between racial slavery and capitalism, Jim Crow and the criminal justice system, and racial terror and white power—that has always been backed by guns.